



**COUNTY OF SAN LUIS OBISPO  
BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT County Counsel	(2) MEETING DATE 4/5/2022	(3) CONTACT/PHONE Rita Neal/ 805-781-5400	
(4) SUBJECT Hearing to consider a request to 1) provide direction to staff on proposed language for a County Charter to be submitted to the voters regarding the appointment process for County elected positions and 2) provide other direction as appropriate. All Districts.			
(5) RECOMMENDED ACTION  It is recommended that the Board: 1. Provide further direction on the proposed language for a County Charter, to be submitted to the voters, regarding the appointment process for County elected positions; and 2. Direct staff as appropriate.			
(6) FUNDING SOURCE(S)  N/A	(7) CURRENT YEAR FINANCIAL IMPACT  0.0000	(8) ANNUAL FINANCIAL IMPACT  0.0000	(9) BUDGETED?  NO
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. Time Est._60 MIN) <input type="checkbox"/> Board Business ()			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP  N/A	(15) BUSINESS IMPACT STATEMENT?  No	(16) AGENDA ITEM HISTORY  <input type="checkbox"/> N/A Date <u>2/15/2022</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Zachary A. Lute			
(18) SUPERVISOR DISTRICT(S) All Districts			



## COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors - Special Evening Meeting as requested

FROM: County Counsel / Rita Neal/ 805-781-5400

DATE: 4/5/2022

SUBJECT: Hearing to consider a request to 1) provide direction to staff on proposed language for a County Charter to be submitted to the voters regarding the appointment process for County elected positions and 2) provide other direction as appropriate. All Districts.

### **RECOMMENDATION**

It is recommended that the Board:

1. Provide further direction on the proposed language for a County Charter, to be submitted to the voters, regarding the appointment process for County elected positions; and
2. Direct staff as appropriate.

### **DISCUSSION**

On December 7, 2021, the County of San Luis Obispo (County) Board of Supervisors (Board) directed staff to proceed with the process to have the Board consider the adoption of a County Charter to be submitted to the voters at the next general election (Nov. 8, 2022). The Board directed staff to limit the proposed Charter to the issue regarding the process in which vacancies in County elected offices are filled.

On February 15, 2022, the Board considered various options for filling vacancies in County elected offices. Ultimately, the Board directed staff to draft a charter where:

- Vacancies in the Board are filled by election (either special or consolidated with a general election) unless the remaining term of office is less than 180 days in which case the office remains vacant; and
- Vacancies in all other County elected offices (i.e. Sheriff, District Attorney, Clerk Recorder, Assessor, Auditor Controller) are likewise filled by election unless the remaining term of office is less than 180 days in which case the office can either remain vacant or the Board can appoint an individual as provided by general law.

The draft charter (Attachment 1) incorporates this direction from the Board. The draft charter also includes a couple of refinements to the prior draft specifically requiring the Board to call the election within 30 days of the vacancy.

*Potential Unintended Consequence of Board Direction:*

As noted above, the Board directed staff to require an election any time the term of a vacancy in office is 180 days or more. A consequence of this direction is the potential of having the election to fill the vacancy taking place right before the normal election cycle due to the time it takes to conduct an election from start to finish. This is especially true for Countywide elected offices. Attachment 2 is a draft of the proposed activity schedule for the June 7, 2022, Statewide Direct Primary election. The activity schedule details out the various activities and deadlines that the Clerk-Recorder's office performs leading up to each election. For example, leading into the June 2022 election cycle, the Clerk-Recorder's office started preparing for the election one year prior by contacting polling places and ballot drop off locations and outreaching poll workers to confirm availability. Thus, assuming there is less than a year left in a vacant office, it would be very difficult for the Clerk-Recorder to complete all of the activities necessary to conduct an election and certify the results in enough time for the successful candidate to assume office prior to the next election cycle.

One suggested alternative for the Board to consider is to increase the remaining term to 365 days or more. In other words, this alternative would only require the vacancy to be filled by election if the remaining term of office is 365 days or more. This would provide a much larger "buffer" between the time the election to fill the vacancy takes place and the normal election cycle. If the Board provides this direction, then it will need to also provide direction on how to fill vacancies of less than 365 days – does the Board want the office to remain vacant or to have the power to appoint? Another potential alternative for the Board to consider is to base the remaining term period on the next election date versus the actual expiration of the office. In other words, the 180-day period would run from the November election date instead of January 1. This would provide an additional 2 month additional "buffer" between the time the election to fill the vacancy takes place and the normal election cycle. The Board could also direct staff to keep the proposed charter as is with the understanding of this potential scenario.

**OTHER AGENCY INVOLVEMENT/IMPACT**

Clerk-Recorder

**FINANCIAL CONSIDERATIONS**

The cost to submit to the voters a Charter measure on the November 2022 ballot is estimated to be \$353,000. If the Charter is approved by the voters and if it requires an election to fill a Countywide vacancy, then the estimated costs to fill the vacancy at a general election is estimated to be \$313,000. The estimated costs to fill a Countywide vacancy at a special election is estimated to be \$1,000,000. These funds would come from the County's General Fund.

If there is a vacant Board of Supervisor's seat that qualifies to be filled during a regularly scheduled election, then the estimated cost is \$66,500. If the vacancy is filled through a special, stand-alone election, the estimated costs would be \$354,000. Again, these funds would come from the County's General Fund.

These estimated costs are out of pocket costs.

**RESULTS**

If the Board tentatively approves the draft charter, a final hearing will be scheduled for May 17, 2022, to approve the charter and to submit it to the voters for the November 8, 2022, election. All other related County actions are described in the chart below together with a proposed schedule.

June 21, 2022	SUGGESTED LAST DAY San Luis Obispo County Board of Supervisors to adopt a resolution/ordinance placing a measure on the November 8, 2022, Consolidated General Election ballot.
June 23, 2022	BY THIS DATE the Elections Official shall send the Notice Calling for Submission of Primary/Rebuttal Arguments FOR and AGAINST the measure to be published.
July 22, 2022	PRIMARY ARGUMENTS DUE – LAST DAY for proponent(s) to change or withdraw Primary Arguments.
July 22, 2022	IMPARTIAL ANALYSIS DUE from County Counsel. FISCAL IMPACT STATEMENT DUE from Auditor (if directed by B.O.S.)
July 23 - August 1, 2022	PUBLIC EXAMINATION PERIOD - Primary Arguments, Impartial Analysis, Fiscal Impact Statement (if applicable).
August 2, 2022	REBUTTAL ARGUMENTS DUE - LAST DAY for proponent(s) to change or withdraw Rebuttal Arguments.
August 3 – 12, 2022	PUBLIC EXAMINATION PERIOD - For Rebuttal Arguments Only.
August 29, 2022 *	ELECTION OFFICIAL'S DEADLINE FOR SUBMISSION OF LOCAL MEASURE INFORMATION TO PRINTER: Submission of ballot/sample ballot material to printer by County Elections Official.

## **ATTACHMENTS**

- 1 Attachment 1 - Draft Charter
- 2 Attachment 2 - Activity Schedule
- 3 Attachment 3 - Power Point Presentation